

MR 1302.1000 Municipal Delegations

Subpart 1. **Scope.** Municipal delegations refer to the commissioner's authority to delegate the administration of the State Building Code for public buildings and state-licensed facilities to municipalities within Minnesota.

Subpart 2. **Project registration.** An initial application for plan review shall be submitted to the commissioner for all delegated projects. Based upon the qualifications of the individuals identified in the municipality's delegation agreement, the commissioner shall determine whether project is delegated for inspections only or for both plan review and inspections.

Subpart 3. **Fees.** Plan review fees and permit fees for delegated work shall be charged not less than the fees determined by the fee schedule listed in Minnesota Statute 326B.153.

Subpart 4. **Municipal delegation agreements.** Municipalities may be delegated for site inspection services or both construction document review and site inspection services. By accepting a delegation agreement, the municipality agrees to provide code administration for projects delegated to them. Delegation agreements shall be classified into one of four delegation Categories based upon the qualified persons on staff or on contract available for the work. Classification shall be based on the individual's prerequisite credentials, documented experience with projects of comparable scale and complexity, and demonstrated competency in administering the Minnesota State Building Code pursuant to Minnesota Rule 1300 and rules referenced therein. Competency shall be demonstrated through written and oral examination and an interview process. The commissioner shall determine qualifications in accordance with this part.

Subpart 4a. **Categories of Delegations.** Municipal delegations shall be divided into four Categories listed in ascending order of complexity and responsibility:

1. **Reserved Category.** Reserved projects are limited in scope and complexity. These include:
 - i. Roof covering replacement that does not add roof load
 - ii. Towers requiring special inspection
 - iii. Single-level storage buildings not exceeding 5,000 square feet
 - iv. Exterior maintenance (e.g., siding, windows and door replacement)
 - v. HVAC unit replacement that does not add roof load or ventilation capacity
 - vi. Accessibility upgrades that do not involve additions or structural alterations
 - vii. Interior remodeling that does not alter occupancy, structural systems, exit access or discharge patterns, or mechanical load
 - viii. Other projects designated as reserved by the commissioner
2. **Category 2.** Category 2 projects are public buildings and state licensed facilities that serve vulnerable occupants or are a public investment. Examples include:
 - i. Assisted Living (excluding dementia care units)
 - ii. Freestanding outpatient surgical centers
 - iii. Boarding Care Homes
 - iv. Residential Hospice
 - v. MN Dept of Transportation Facilities
 - vi. MN Dept of Natural Resources Facilities

- vii. Administrative offices defined as “public buildings”
 - Class A Supervised Living Facilities per [Sec. 144.50 MN Statutes](#), Subd. 6; and [4665.0500 - MN Rules Part](#)
 - viii. Other projects designated as category 2 by the commissioner
3. **Category 3** Category 3 projects involve buildings that serve vulnerable populations, include security features affecting means of egress, or have complex structural elements. Examples include:
- i. Level 1 Minimum security prisons
 - ii. Non-structural hospital remodeling (including psychiatric and mental health facilities) without special locking provisions and no specialized HVAC systems.
 - iii. Critical access hospitals (25 beds or fewer) and up to (10) psychiatric or rehab beds
 - iv. Nursing homes
 - Assisted living with dementia care
 - Class B Supervised Living Facilities per [Sec. 144.50 MN Statutes](#), Subd. 6; and [4665.0500 - MN Rules](#)
 - v. K-12 public school new construction, additions and renovations
 - vi. K-12 public schools moving into a building where the occupancy is changed
 - vii. Projects for Minnesota State Colleges & Universities
 - viii. Other projects designated as category 3 by the commissioner
4. **Category 4** Category 4 projects involve the most vulnerable populations, have complex security and means of egress systems, or highly specialized structural designs. Examples include:
- i. Level 4 Maximum security prisons
 - ii. Level 3 Close security prisons
 - iii. Level 2 Medium security prisons
 - iv. County Jails
 - v. Hospitals
 - vi. Psychiatric Hospitals
 - vii. Specialized mental health hospitals
 - viii. Setting 4 Special Education Facilities
 - ix. Storm shelters required to comply with ICC-500 standards
 - x. Post-tensioned concrete buildings
 - xi. Other projects designated as category 4 by the commissioner

Subpart 4b. **Delegation work scope assignments.** Municipalities qualify for delegated work based on the qualifications of the individuals performing work on their behalf, whether employed directly or contracted. Delegated responsibilities may include inspections only or both plan review and inspections.

The commissioner may assign delegated responsibilities based on size, scope, and complexity of the project. As a condition of delegation, the commissioner may require that certain construction documents be reviewed by a licensed design professional.

Each delegation agreement specifies the highest level of delegation authorized. The commissioner may delegate work at that level and at any lower level.

Subpart 4c. **Staffing.** Only individuals determined to be qualified by the commissioner may perform delegated plan review or inspection work. Individuals may be qualified for inspections, construction document review, or both. Specialists may be qualified for review of specific disciplines such as structural or mechanical review. Qualified individuals may conduct reviews or inspections within the scope of their assigned delegation level or at any lower delegation level for which they are qualified. Individuals not approved by the commissioner as qualified shall not perform delegated work. (Discuss staffing level requirements and limits to work scope assignments.)

Subpart 4d. **Delegation prerequisites.** Municipalities applying for delegation agreements must have completed the following prerequisites:

- 1) Municipalities shall have submitted municipal reports for the calendar year, January through December, by not later than June 30 of the following year.
- 2) Municipalities shall have paid in full the state surcharge within one fiscal quarter.
- 3) The designated building official is not under investigation by the commissioner, nor has disciplinary action taken against them in the past three years.

Subpart 4e. **Delegation requirements.** Municipalities shall include the following in their applications for delegation:

- 1) Municipalities shall provide and maintain a list of the qualified persons, their qualifications level, and subject matter expertise on the delegation application and as part of the delegation agreement. Changes in qualified persons shall be submitted to the commissioner within 10 business days.
- 2) Municipalities shall indicate and list on their application any qualified persons on staff or on retainer for code administration work that are licensed as architects or engineers in Minnesota.
- 3) Municipalities administer the Minnesota State Building Code in accordance with Minnesota Rule 1300 and shall allow periodic auditing of their code administration practices.

Subpart 4f. **Delegation term limits.** Delegations remain in effect at the category supported by the qualifications of individuals employed or contracted by the municipality and shall not exceed a term of three years. If qualified individuals are no longer available, the delegation may be placed on hold for up to 90 days to allow the municipality time to employ or contract with another qualified individual. During this hold period, the municipality shall cease with delegation work for which there are not qualified individuals, and the municipality is not required to reinitiate the full delegation review process.

Subpart 4g. **Termination.** Municipalities may terminate a delegation agreement with notice to the commissioner. The commissioner may terminate delegation agreements with municipalities that don't satisfy the requirements of Subpart 4c, Subpart 4d and Subpart 4e.

Subpart 5. **Qualified Persons.** Individuals performing delegated construction document review or site inspection must be classified into one of four delegation qualification categories. Classification shall be based on the individual's prerequisite credentials, demonstrated experience with projects of comparable scale and complexity, and demonstrated competency in administering the Minnesota State Building Code pursuant to Minnesota Rule 1300. The commissioner shall determine qualifications in accordance with this part through prerequisite credentialing, an application process, and an interview.

Subpart 5a. **Category 1 Reserved.** Qualified individuals must hold a credential as either a Minnesota Certified Building Official or Minnesota Limited Building Official.

1. Individuals holding one of these credentials and possessing a minimum of four years of experience in building code inspections shall be qualified to inspect site installations for Level 1 Reserved projects. Individuals meeting these criteria shall be designated for inspection at Category 1, identified as 1N.
2. Individuals holding one of these credentials and possessing a minimum of four years of combined experience in plan review and building code inspections shall be qualified to review construction documents and inspect site installations for Level 1 Reserved projects. Individuals meeting these criteria shall be designated with a dual qualification for both plan review and inspection at Category 1, identified as 1D.

Subpart 5b. **Category 2.** Individuals at Category 2 must meet one of the following qualifications classifications.

1. **Inspector.** Qualified construction site inspectors shall be designated as 2N and shall have not less than the following experience and credentials:
 - a. Minnesota certified building official and not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 2 projects, or
 - b. Licensed in Minnesota as an architect with not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 2 projects.
 - c. ICC Certified Residential Inspector having successfully passed the B1 examination, ICC Certified Commercial Inspector having successfully passed the B2 examination, and not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 2 projects.
2. **Reviewer.** Qualified construction document reviewers shall be designated as 2R and shall have the not less than the following experience and credentials:
 - a. Minnesota certified building official and not less than four years' experience reviewing construction documents for both residential and commercial construction documents of similar type to Category 2 projects, or
 - b. Licensed in Minnesota as an architect with not less than four years' experience designing or reviewing construction documents for both residential and commercial construction documents of similar type to Category 2 projects.
 - c. ICC Certified as a General Plans Examiner having successfully passed the B3 examination, ICC Certified as a Residential Plans Examiner having successfully passed the R3 examination, and not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 2 Intermediate projects.

3. **Dual.** Qualified persons credentialed as both construction document reviewers and construction site inspectors shall be designated as 2D and shall have the not less than the following experience or credentials:
 - a. Minnesota certified building official and not less than four years' experience reviewing construction documents and providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Level 2 Intermediate projects, or
 - b. Licensed in Minnesota as an architect with not less than four years' experience reviewing construction documents and providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 2 intermediate projects.
 - c. ICC Certified as a General Plans Examiner having successfully passed the B3 examination, ICC Certified as a Residential Plans Examiner having successfully passed the R3 examination, ICC Certified as a Residential Inspector having successfully passed the B1 examination, ICC Certified as a Commercial Inspector having successfully passed the B2 examination and not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 2 Intermediate projects.

Subpart 5c. **Category 3 Advanced.** Individuals at Category 3 Advanced must meet one of the following qualifications classifications.

1. **Inspector.** Qualified construction site inspectors shall be designated as 3N and shall have the not less than the following experience or credentials:
 - a. Minnesota certified building official and not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 3 Advanced projects, or
 - b. Licensed in Minnesota as an architect with not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 3 Advanced projects.
 - c. ICC Certified as a Residential Inspector having successfully passed the B1 examination, ICC Certified as a Commercial Inspector having successfully passed the B2 examination, and not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 3 Advanced projects.
2. **Reviewer.** Qualified construction document reviewers shall be designated as 3R and shall have the not less than the following experience or credentials:
 - a. Minnesota certified building official and not less than four years' experience reviewing construction documents for both residential and commercial construction documents of similar type to Category 3 Advanced projects, or
 - b. Licensed in Minnesota as an architect with not less than four years' experience reviewing construction documents for both residential and commercial construction documents of similar type to Category 3 Advanced projects.
 - c. ICC Certified as a General Plans Examiner having successfully passed the B3 examination, ICC Certified as a Residential Plans Examiner having successfully passed the R3 examination, and

not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 3 Advanced projects.

3. **Dual.** Qualified persons credentialed as both construction document reviewers and construction site inspectors shall be designated as 3D and shall have the not less than the following experience or credentials:
 - a. Minnesota certified building official and not less than four years' experience reviewing construction documents and providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 3 Advanced projects, or
 - b. Licensed in Minnesota as an architect with not less than four years' experience reviewing construction documents and providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 3 Advanced projects.
 - c. ICC Certified as a General Plans Examiner having successfully passed the B3 examination, ICC Certified as a Residential Plans Examiner having successfully passed the R3 examination, ICC Certified as a Residential Inspector having successfully passed the B1 examination, ICC Certified as a Commercial Inspector having successfully passed the B2 examination and not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 3 Advanced projects.
4. **Structural.** Qualified structural reviewers shall be designated as 3S and
 - a. shall be Licensed in Minnesota as an engineer with a competence in structural design review and not less than four years' experience reviewing construction documents for construction documents of similar type to Category 3 Advanced projects
5. **Mechanical.** Qualified mechanical reviewers shall be designated as 3M and shall have the not less than the following experience or credentials:
 - a. Licensed in Minnesota as an engineer with a competence in HVAC and refrigeration design review, or
 - b. have not less than four years' experience providing mechanical plan review and inspections for commercial construction of similar type to Category 3 Advanced projects.

Subpart 5d. **Category 4 Highly complex.** Individuals at Category 4 Highly Complex must meet one of the following qualifications classifications.

1. **Inspector.** Qualified construction site inspectors shall be designated as 4N and shall have the not less than the following experience or credentials:
 - a. Minnesota certified building official and not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects, or

- b. Licensed in Minnesota as an architect with not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects.
 - c. Licensed in Minnesota as an engineer with a competence in architectural engineering or similar and not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects.
 - d. ICC Certified as a Residential Inspector having successfully passed the B1 examination, ICC Certified as a Commercial Inspector having successfully passed the B2 examination, and not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 4 Highly Complex projects.
- 2. **Reviewer.** Qualified construction document reviewers shall be designated as 4R and shall have the not less than the following experience or credentials:
 - a. Minnesota certified building official and not less than four years' experience reviewing construction documents for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects, or
 - b. Licensed in Minnesota as an architect with not less than four years' experience reviewing construction documents for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects.
 - c. Licensed in Minnesota as an engineer with a competence in architectural engineering or similar and not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects.
 - d. ICC Certified as a General Plans Examiner having successfully passed the B3 examination, ICC Certified as a Residential Plans Examiner having successfully passed the R3 examination, and not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 4 Highly Complex projects.
- 3. **Dual.** Qualified persons credentialed as both construction document reviewers and construction site inspectors shall be designated as 4D and shall have the not less than the following experience or credentials:
 - a. Minnesota certified building official and not less than four years' experience reviewing construction documents and providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects, or
 - b. Licensed in Minnesota as an architect or certified as an architect through the National Council of Architectural Registration Board with not less than four years' experience reviewing construction documents and providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects.

- c. Licensed in Minnesota as an engineer with a competence in architectural engineering or similar and not less than four years' experience providing Minnesota state building code administration inspections for both residential and commercial construction documents of similar type to Category 4 Highly Complex projects.
 - d. ICC Certified as a General Plans Examiner having successfully passed the B3 examination, ICC Certified as a Residential Plans Examiner having successfully passed the R3 examination, ICC Certified as a Residential Inspector having successfully passed the B1 examination, ICC Certified as a Commercial Inspector having successfully passed the B2 examination and not less than four years' experience providing building code administration inspections for both residential and commercial construction of similar type to Category 4 Highly Complex projects.
4. **Structural.** Qualified structural reviewers shall be designated as 4S and
- a. Shall be Licensed in Minnesota as an engineer with a competence in structural design review and not less than four years' experience reviewing construction documents for construction documents of similar type to Category 4 Highly Complex
5. **Mechanical.** Qualified mechanical reviewers shall be designated as 4M and shall have the not less than the following experience or credentials:
- a. Licensed in Minnesota as an engineer with a competence in HVAC and refrigeration design review, or
 - b. ICC Certified as a Commercial Mechanical Inspector having successfully passed the M2 examination, ICC Certified as a Mechanical Plans Examiner having successfully passed the M3 examination, and not less than four years' experience providing mechanical plan review and inspections for both commercial construction of similar type to Category 4 Highly Complex projects.

Subpart 6. **Mandatory continuing Education.** Qualified individuals are required to include not less than six hours of continuing education specific to their Category and function of qualification for delegated projects every two years. Those certified as building officials will have their credential designation added to their building official card issued by the commissioner. The commissioner will determine whether continuing education courses qualify for credentialing of qualified individuals based upon the categories.